

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:24-CR-001-Y
	§	
JOHN ANTHONY CASTRO (1)	§	

ORDER DENYING MOTION FOR LEAVE AND MOTION FOR RECONSIDERATION
(With Special Instructions to the Clerk of the Court)

Pending before the Court is Defendant's Motion for Leave to File a Reply to the Government's Response to Defendant's Second Motion for a New Trial (doc. 187). Also pending before the Court is Defendant's Motion for Reconsideration of Denial of Second Motion for New Trial and Evidentiary Hearing (doc. 207). Both motions are hereby DENIED. Leave to file a reply is denied because the Court has already ruled on the Second Motion for New Trial. And as previously indicated, the Court generally does not permit the filing of reply briefs in criminal cases. See N.D. TEX. L. CRIM. R. 47.1(f). The motion for reconsideration is denied for the reasons previously stated in the Court's March 21 order (doc. 206).

Furthermore, in accordance with Federal Rule of Criminal Procedure 33(b)(1), because an appeal is pending, the Court is not able to grant any motion for new trial based on newly discovered evidence "until the appellate court remands the case." FED. R. CRIM. P. 33(b)(1). And any such motion based on anything other than newly discovered evidence is untimely, inasmuch as the deadline for filing such motions expired fourteen days after the verdict. See *id.* at (b)(2). Consequently, the Court will entertain no further motions

for new trial from Defendant or for reconsideration of his previous motions for new trial while his appeal is pending, and the clerk of the Court is DIRECTED to unfile any such motions until such time as the appellate court remands this case.

SIGNED March 28, 2025.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE